

REMARKS

The Applicants have carefully studied the outstanding Office Action. The present response is intended to be fully responsive to the rejection raised by the Office Action and is believed to place the application in condition for allowance. Further, the Applicants do not acquiesce to any of the Office Action rejections not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested. Support for the claim amendments may be found throughout the specification, and no new matter has been added.

CLAIMED INVENTION

Claim 1 provides a system for allowing a user to perform remote vehicle diagnostics, vehicle monitoring, vehicle configuration and vehicle reprogramming for one or more vehicles. The system includes (a) an onboard unit coupled to a data bus of one of the vehicles, (b) an onboard-unit server, (c) a communications means coupled between the onboard unit and the onboard-unit server, (d) a repository database, (e) an application server coupled to the onboard-unit server and the repository database, and (f) a graphical-user interface coupled to the application server via a second network.

In this system, the onboard unit is operable to exchange with the data bus telemetry data that is in a format native to at least one vehicle controller coupled to the data bus. The onboard-unit server is operable to (i) exchange the telemetry data with the onboard unit via first network, and (ii) convert the telemetry data between its native format and a human readable format so as to provide converted telemetry data. The communications means is operable to handle communications between the onboard unit and the onboard-unit server.

The application server includes at least one application for carrying out any of vehicle diagnostics, vehicle monitoring, vehicle configuration and vehicle reprogramming, and is

operable to carry out decision processing of the at least one application as a function of (i) information indicative of the at least one vehicle, which is obtained from the repository database, and (ii) the converted telemetry data. The graphical-user interface is operable to exchange with the at least application information associated with any of the vehicle diagnostics, vehicle monitoring, vehicle configuration, and vehicle reprogramming.

As part of the claimed invention, each amended independent claim in one way or another contains an element directed to exchanging information between the graphical-user interface (GUI) and the applications via a network, such as the internet or local area network. The following illustrates the elements of the independent claims directed to such subject matter:

- a graphical-user interface coupled to the application server via a second network, wherein the graphical-user interface is operable to exchange with the at least application information associated with any of the vehicle diagnostics, vehicle monitoring, vehicle configuration, and vehicle reprogramming (claim 1);
- user input/output (I/O) channel ports for exchanging with a graphical-user interface (GUI) via a second network information associated with any of the vehicle diagnostics, vehicle monitoring, vehicle configuration, and vehicle reprogramming (claim 6);
- accessing a repository database using a graphical user interface (GUI) via a first network, receiving from the GUI, via the first network, a command requesting an application server to process at least one application for carrying out any of vehicle diagnostics, vehicle monitoring, vehicle configuration and vehicle reprogramming (claim 9); and

- a first computer readable program code means for causing the computer to access a repository database in order to provide to a graphical user interface (GUI) via a first network (i) a list of specific vehicles within the fleet of vehicles and (ii) a list of vehicle parameters associated with each of the specific vehicles a third computer readable program code means for causing the computer to receive from the GUI, via the first network, a command requesting an application server to process at least one application for carrying out any of vehicle diagnostics, vehicle monitoring, vehicle configuration and vehicle reprogramming (claim 12).

Further, each dependent claim necessarily includes all the elements of the independent claims from which it depends. Therefore, each dependent claim necessarily includes the claim elements noted above.

After entry of the above-listed amendment, the present application includes 40 claims. Of these, claims 1, 6, 9 and 12 are in independent form. Claims 2-5 and 13-40 ultimately depend from claim 1, claims 7-8 ultimately depend from claim 6, and claims 10-11 ultimately depend from claim 9.

SECTION 103 REJECTIONS

The Office Action rejected claims 1-4, 6, 9, 12-17 and 19-23 under 35 U.S.C. § 103(a) as being unpatentable over by U.S Patent No. 5,815,071 granted to Doyle ("Doyle") in view of U.S. Patent No. 5,619,412 granted to Hapka ("Hapka"). The Office Action also rejected claims 4 and 10 under 35 U.S.C. § 103(a) as being unpatentable over by Doyle in view of Hapka and in further view of U.S. Patent No. 6,292,724 granted to Aspell et al. ("Aspell"). The Office Action further rejected claims 18 under 35 U.S.C. § 103(a) as being

unpatentable over by *Doyle* in view of *Hapka* and in further view of U.S. Patent No. 5,619,412 granted to Lang et al. ("*Lang*")

Response to Section 103(a) Rejection of Claims 1-40

According to M.P.E.P. § 2143, in order to establish the required prima facie case of obviousness of a claimed invention by applying a combination of references, (1) the proposed combination must teach or suggest all of the elements of the claimed invention, and (2) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. The Applicants respectfully traverse the Office Action rejections of these claims based on the following arguments.

A. The Proposed Combination Does Not Teach All the Elements

The Applicants submit that neither the *Doyle* nor *Hapka* references expressly or impliedly teach or suggest all the elements of the amended claims. Specifically, the Applicants submit that unlike the present claims, neither *Doyle* nor *Hapka*, alone or combined, teach the elements of the presently claimed invention directed to exchanging information between the graphical-user interface (GUI) and the applications via a network as claimed.

The Office Action acknowledges that *Doyle* does not disclose such elements. To this end, the Office Action states "Doyle does not disclose using a GUI capable of selecting parameters, a CPU, and user I/O channel ports for receiving communication from a user." Instead, the Office Action relies on *Hapka* for such support.

The Office Action states "*Hapka* teaches of using a personal computer which has a GUI." From this, the Office Action states "personal computers inherently have a CPU and I/O channel ports for receiving communication from the user." Then without any cited reference, the Office Action then states "it would have been obvious to one of ordinary skill in the art at

the time the invention was made to use the personal computer of *Hapka* in the invention of *Doyle* because such modification would provide for an inexpensive central control station since personal computers are common and would remove the need to build a specialized computer system.

The Applicants submit that despite the lack of a cited reference for purpose that the Office Action proposed, neither *Doyle* nor *Hapka* discloses exchanging information between the graphical-user interface (GUI) and the applications via a network. While *Hapka* teaches using a personal computer for transmitting data over a communication channel to a vehicle's onboard communication system, the Applicants submit that *Hapka* is entirely silent of including exchanging information between a graphical-user interface (GUI) and the applications via a network. See the abstract and lines 31-43 of *Hapka*.

Given that (1) the base reference (i.e., *Doyle*) does not disclose explicitly or inherently the claimed elements directed to exchanging information between a graphical-user interface (GUI) and the applications via a network, and (2) the second reference (i.e., *Hapka*) likewise fails to disclose such subject matter, the Applicants submit that these references either alone or combined, fail to disclose or suggest, all of the claimed elements. In light of the foregoing, the Applicants respectfully submit that the Examiner has failed to raise a *prima facie* case of obviousness with respect to the independent claims 1, 6, 9, and 12.

Since the dependent claims necessarily include the elements of the independent claims from which they depend, each of the dependent claims includes the above-listed elements of the independent claims from which they depend. Thus, the Applicants submit that the Examiner has failed to raise a *prima facie* case of obviousness with respect to the dependent claims for the same reasons.

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The Applicants submit that despite the lack of a cited reference for purpose that the Office Action proposed, neither *Doyle* nor *Hapka* discloses exchanging information between the graphical-user interface (GUI) and the applications via a network. While *Hapka* teaches using a personal computer for transmitting data over a communication channel to a vehicle's onboard communication system, the Applicants submit that *Hapka* is entirely silent of including exchanging information between a graphical-user interface (GUI) and the applications via a network. See the abstract and lines 31-43 of *Hapka*.

Given that (1) the base reference (i.e., *Doyle*) does not disclose explicitly or inherently the claimed elements directed to exchanging information between a graphical-user interface (GUI) and the applications via a network, and (2) the second reference (i.e., *Hapka*) likewise fails to disclose such subject matter, the Applicants submit that these references either alone or combined, fail to disclose or suggest, all of the claimed elements. In light of the foregoing, the Applicants respectfully submit that the Examiner has failed to raise a *prima facie* case of obviousness with respect to the independent claims 1, 6, 9, and 12.

Since the dependent claims necessarily include the elements of the independent claims from which they depend, each of the dependent claims includes the above-listed elements of the independent claims from which they depend. Thus, the Applicants submit that the Examiner has failed to raise a *prima facie* case of obviousness with respect to the dependent claims for the same reasons.

The Applicants also note, however, that many of the dependent claims also include elements directed to exchanging information between the graphical-user interface (GUI) and the applications via a network. To this end, the Applicants refer the Examiner to the present claims set. Therefore, the Applicants submit that the claimed elements directed to exchanging information between the graphical-user interface (GUI) and the applications via a network are not contained in the cited art, and therefore, claims 1-40 are allowable.

B. Failure to Provide an Objective Reason to Combine References

In addition to the other requirement, in order to establish the required *prima facie* case of obviousness of a claimed invention by applying a combination of references, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination (emphasis added). See M.P.E.P. § 2143.01.

In addition, "a statement that modifications of the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art at the time the claimed invention was made' because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references." *Id.*

With respect to independent claims 1, 6, 9 and 12 (and the dependent claims thereof), the Applicants respectfully submit that the Office Action has not provided any reference showing some suggestion of the desirability of doing what the Applicants have done. Without providing any reference or convincing reasoning, the Examiner, using impermissible hindsight and language paralleling the above-quoted language held to be

insufficient to establish a *prima facie* case of obviousness, states only " it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the personal computer of *Hapka* in the invention of *Doyle* because such modification would provide for an inexpensive central control station since personal computers are common and would remove the need to build a specialized computer system ". The Applicants submit that no such purpose is explicitly or implicitly disclosed in *Doyle*, *Hapka*, *Aspell* and/or *Lang*.

In view of the foregoing, the Applicants submit that (i) *Doyle* and *Hapka*, (ii) *Doyle*, *Hapka* and *Aspell*, and/or (iii) *Doyle*, *Hapka* and *Lang*, alone or combined, fail to suggest the desirability of what the Applicants have done. Consequently, the Applicants submit that the Office Action has not made a *prima facie* case of obviousness, and claims 1-40 are allowable.

CONCLUSION

The Applicants submit that the application is in good and proper form for allowance, and respectfully request the Examiner to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney, at 312-913-3304.

Respectfully submitted,

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